

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**VINCENT CRAWFORD,**

**Plaintiff,**

**v.**

**SOUTHLAND TRANSPORTATION COMPANY,  
and MELVIN CUMMINGS**

**Defendants.**

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**06 Civ. 6224 (SCR) (MDF)**

**MEMORANDUM ORDER  
ACCEPTING REPORT  
RECOMMENDATION**

**STEPHEN C. ROBINSON, UNITED STATES DISTRICT JUDGE.**

The plaintiff, Vincent Crawford, brought this diversity action against Southland Transportation Company and Melvin Cummings (collectively, the “defendants”), alleging claims for injuries sustained from an accident. The defendants have moved for summary judgment, pursuant to Federal Rule of Civil Procedure 56, on the ground that Mr. Crawford did not sustain any “serious injury,” as defined by New York Insurance Law § 5102(d). Mr. Crawford also has filed a motion for summary judgment on the issue of liability. The matter was referred to United States Magistrate Judge Mark D. Fox, and he has issued a Report and Recommendation.

Under to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure Rules 72(b) and 6(d), the parties had a right to file objections to the Report and Recommendation within thirteen working days from July 17, 2008. The parties have not filed objections.

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C §636(b)(1)(C). To accept a Report and Recommendation to which no timely objection



has been made, a district court need only satisfy itself that “there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985) (citations omitted).

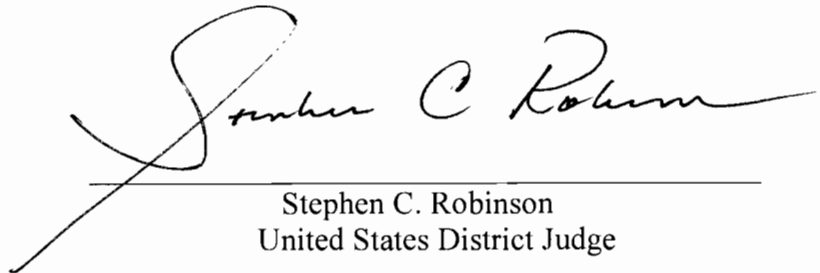
This Court has reviewed Judge Fox’s comprehensive and well-reasoned Report and Recommendation and has determined that there is no clear legal error on the face of the record. Accordingly, this Court adopts the Report and Recommendation.

The Clerk of the Court is directed to close the case, including docket entries 18 and 19.

*It is so ordered.*

Dated: October 1, 2008

White Plains, New York



Stephen C. Robinson  
United States District Judge